

IN THE MICHIGAN COURT OF APPEALS

ORDER

Re: **E T MacKenzie Co v Wooded Valley LLC**
Docket No. **294713**
L.C. No. **08-001106-CK**

David H. Sawyer, Chief Judge Pro Tem, acting under MCR 7.203(F)(1), orders:

The claim of appeal is **DISMISSED** for lack of jurisdiction because the August 11, 2009 order is not a final order appealable of right. MCR 7.202(6)(a); MCR 7.203(A). Particularly, that order is not a final order under MCR 7.202(6)(a)(i) because it did not dispose of all claims in this case. Further, the claim of appeal cannot be saved by treating it as being taken from the October 23, 2009 order disposing of additional claims because the claim of appeal was filed before that order, and a claim of appeal must be filed *after* the order being appealed. MCR 7.204(A)(1)(a).

The claim of cross appeal is also **DISMISSED** for lack of jurisdiction. Generally, a cross appeal may continue after dismissal of the initial appeal. MCR 7.207(D). However, here, there was no actual appeal of right to vest this Court with jurisdiction over this case. MCR 7.207(A)(1); see also *In re MCI Telecommunications Complaint*, 255 Mich App 361, 364-365; 661 NW2d 611 (2003) (cross appeal in that case properly before this Court because the initial appeal, although subsequently dismissed, had vested this Court with jurisdiction).



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 04 2010
Date

Sandra Schultz Mengel
Chief Clerk